

Remarks

The present response addresses those issues raised in the Office Action mailed April 19, 2005. Initially, Applicant gratefully acknowledges the interview provided by the Examiner on September 12, 2005. It is respectfully submitted that the present amendments reflect the content of that interview and place the presently-pending claims in condition for allowance. Early confirmation of allowability is respectfully requested.

The previous Examiner rejected Claims 1-4, 13-17, and 20 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,315,569 ("the '569 patent"). As discussed during the interview, Applicant respectfully submits that the invention, as presently claimed, is not anticipated by the '569 patent.

The '569 patent is directed to a metaphor elicitation technique (*see e.g.*, Abstract thereof). The '569 patent details applications of those techniques with respect to marketing campaigns (*see e.g.* the Abstract, Col. 1, lines 6-10, and Col. 6, lines 21-23.) The '569 patent describes one example of a metaphor elicitation technique that may be employed within the context of the present invention. However, it does not mention – let alone disclose and describe – metaphor elicitation techniques that the architectural design objectives, interior design objectives, or exterior design objectives that are the subject of the presently-pending claims.

As is clear, the presently-pending claims of the current application are distinguishable over the '569 patent in that the '569 patent does not contain each and every claim limitation. As the Examiner is aware, a claim is anticipated by a prior art reference if, and only if, each and every claim limitation may be found, either expressly or inherently described, in a single prior art reference. MPEP §

2131.01. It is respectfully submitted that the '569 patent does not satisfy this requirement. Accordingly, the rejections under § 102 are inappropriate. Reconsideration and withdrawal of these rejections are respectfully requested.

The previous Office Action rejected claims 5-13, 18-19, and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over the '569 patent in view of "AutoCAD 14, user's Guide." As detailed hereinabove, the present claims contain limitations that are not taught or fairly suggested by the '569 patent. The AutoCAD user's guide is a software instruction manual that does not cure that deficiency.

In their presently amended form, the rejected claims recite limitations that are not taught or suggested by the cited references. As the Examiner is aware, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested in the cited references. MPEP § 2143.01. It is submitted that the cited references do not satisfy this requirement in the claims as presently amended. Reconsideration and withdrawal of this rejection are respectfully requested.

The present Office Action rejects Claims 1-3, and 5-22 under 35 U.S.C. § 101 as being directed to non-statutory subject material. As discussed during the interview of September 12, 2005, Applicant has amended the independent claims to recite the limitation "wherein at least one of said steps is implemented on a computer." Support for the use of computer to implement portions of the present invention may be found in paragraph 32 of the present invention. It is respectfully submitted that the amendment overcomes the pending rejection under 35 U.S.C. § 101. Reconsideration and withdrawal of the present rejection are respectfully requested.

The previous Examiner also objected to the specification of the present application in that the Abstract contains more than 150 words. Applicant has amended the Abstract. Reconsideration and withdrawal of the object are respectfully requested.

The instant application, therefore, is now believed to be in condition for allowance, and an early issuance thereof is kindly solicited. If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



James G. Dilmore
Reg. No. 51,618

Dated: September 19, 2005

REED SMITH LLP
P.O. Box 488
Pittsburgh, PA 15230
(412) 288-3813

Agent for Applicant